

## **ORDINANCE 1-2002**

### **AN ORDINANCE REPEALING ORDINANCE 6-95 AND PROVIDING A FEE FOR CONSTRUCTION AND DEMOLITION PROJECTS, REQUIRING A PERMIT FOR SUCH PROJECTS REGULATING DEPOSIT OF WASTE AND PROVIDING A PENALTY.**

Be it ordained by the Board of County Commissioners of Madison County, State of Montana as follows:

1. Ordinance Number 6-95 of Madison County is hereby repealed.
2. Each property owner in Madison County, before commencing a construction project shall obtain a permit for such project from the Madison County Sanitarian.
3. "Construction Project" for purposes of this ordinance shall not include any building enclosure consisting solely of one room without interior dividers and in which structural members are exposed when the project is finished and which is a non residential and non commercial building.

"Construction Project" for purposes of this ordinance shall not include the installation or removal of an intact mobile or modular home.

"Construction Project" for the purposes of this ordinance shall include the erection or demolition of all other improvements to real property except fences. The fee required for each project shall be charged and collected as follows:

A. \$250.00 for all construction projects consisting of enclosed space from 801 to 2500 square feet in size.

B. \$300.00 for all construction projects consisting of enclosed space 2501 to 4000 square feet in size.

C. \$400.00 for all construction projects consisting of enclosed space 4001 to 5000 square feet in size.

D. \$100.00 for each additional 1000 square foot increment.

4. Funds collected by the Sanitarian as prescribed by this ordinance shall be deposited with the Madison County Treasurer and shall be credited to the Madison County Solid Waste Program.

5. Wastes permitted to be deposited under the terms of the permits provided by this ordinance shall be deposited only in Madison County transfer containers.

A. All construction and demolition waste shall be cut to four (4) foot or less lengths for disposal in container sites.

B. Construction and demolition waste quantities shall not exceed one pickup truck size load per container per day.

C. Waste shall be deposited only in transfer containers.

D. Any inert waste or metal goods shall be taken directly to Madison County Class III Landfills located in Ennis and Twin Bridges. (See attached guidelines for Class II and Class III Waste.

6. Any person guilty of violating this ordinance shall be punished by a fine of not more than \$500.00 or a jail sentence of not more than 6 months or by such conditions as the court may impose, including, but not limited to, a requirement that the offender clean up specific areas involved in the Madison County Solid Waste program or by any combination of sentences authorized by law and the court.

PASSED AND APPROVED BY THE BOARD OF COUNTY  
COMMISSIONERS FOR MADISON COUNTY, MONTANA, FIRST READING  
ON THIS 8 DAY OF October, 2002.



DAVID SCHULZ, CHAIRMAN



C. TED COFFMAN, COMMISSIONER



FRANK NELSON, COMMISSIONER

PASSED AND APPROVED BY THE BOARD OF COUNTY  
COMMISSIONERS FOR MADISON COUNTY, MONTANA, SECOND READING  
ON THIS 28 DAY OF October, 2002.



DAVID SCHULZ, CHAIRMAN



C. TED COFFMAN, COMMISSIONER



FRANK NELSON, COMMISSIONER

## MONTANA SOLID WASTES DEFINITIONS

1/94

### GROUP II WASTES

Reference: Administrative Rules of Montana (ARM) 16.14.503(1)(a) "Group II wastes include decomposable wastes and mixed solid wastes containing decomposable material but exclude regulated hazardous wastes. Examples include, but are not limited to, the following:

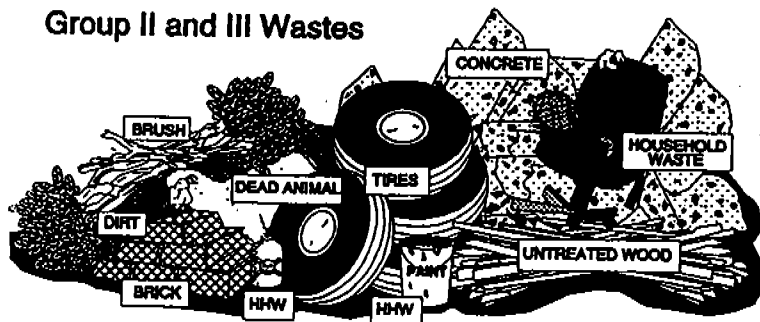
(i) municipal and domestic solid wastes such as garbage and putrescible organic materials, paper, cardboard, cloth, glass, metal, plastics, street sweepings, yard and garden wastes, digested sewage treatment sludges, water treatment sludges, ashes, dead animals, offal, discarded appliances, abandoned automobiles, and hospital and medical facility wastes, provided that infectious wastes have been rendered non-infectious to prevent the danger of disease; and

(ii) commercial and industrial solid wastes such as packaging materials, liquid or solid industrial process wastes which are chemically or biologically decomposable, crop residues, manure, chemical fertilizers, construction and demolition wastes, asphalt, and emptied pesticide containers which have been triple rinsed or processed by methods approved by the department."

Reference: ARM 16.14.504(2)(a)

"Generally, facilities licensed to operate as Class II solid waste management systems are capable of receiving Group II and Group III wastes but not regulated hazardous wastes. Household waste, although it may contain some household hazardous waste or other non-regulated hazardous waste, may be disposed of at Class II landfills."

Group II and III Wastes



### GROUP III (INERT) WASTES

Reference: ARM 16.14.503(1)(b) "Group III wastes include wood wastes and non-water soluble solids. Examples include, but are not limited to, the following:

- (i) inert solid waste such as brick, dirt, rock and concrete;
- (ii) wood materials, brush, lumber, and vehicle tires; and
- (iii) industrial mineral wastes which are essentially inert and non-water soluble and do not contain hazardous waste constituents."

Reference: ARM 16.14.504(2)(b) Facilities licensed as Class III landfills may accept only Group III wastes which are primarily inert wastes."

\* The key word when dealing with Group III wastes is **inert** because these wastes can be disposed of in landfills that are not required to have ground water monitoring or liners. Care must be taken to exclude wastes that could potentially contaminate the waters of Montana.

## ITEMS PROHIBITED FROM CLASS III LANDFILLS

**Asphalt.** Petroleum products are used in the construction and maintenance of asphalt. Consequently, asphalt is prohibited from Class III landfill disposal. The oil products could leach out of the landfill and into ground or surface waters.

### Group III Wastes Only



**Metals.** All metal items are prohibited. This includes rebar, copper wire, copper pipes, and galvanized pipes or metal roofing.

**Painted or Treated Wood.** Paint and wood preservatives can contain lead, zinc, cadmium, mercury, and arsenic. Plywood, finished furniture, and particleboard are also unacceptable.

**Leaves and Grass Clippings.** Yard and garden wastes contain high amounts of moisture, decompose readily, and as such are listed as Group II wastes.

**Paper and Cardboard.** Are considered to be Group II wastes and are thus unacceptable.

**Gypsum Board (Dry Wall).** Dry wall is water soluble and usually painted (see, above). Therefore it is not acceptable in a Class III landfill.

**General Mixed Construction and Demolition Debris.** Construction and demolition debris, such as insulation, asphalt shingles, galvanized metal, and copper wire, are considered to be Group II wastes (see, above) and are thus unacceptable.

## AIR QUALITY REGULATIONS

Open Burning at Solid Waste Management Facilities The Montana Department of Health and Environmental Sciences' Air Quality Bureau has regulations that stipulate that only **untreated wood waste** may be burned at a licensed landfill. Class III landfills are often used as burn sites for untreated wood waste. However, the resultant ash is considered to be a Group II waste and is therefore required to be disposed of in a licensed Class II landfill. A full list of Air Quality Bureau prohibited burning materials may be found in ARM 16.8.1302.

If you have any questions or comments on any particular waste, please call the Montana Solid and Hazardous Waste Bureau at (406) 444-1430.

USR\CB5405\WP\FACTSHTS\GROUP23

FILE 101-C ORDINANCE 2002-1

MADISON COUNTY

COMMISS.

TO

REPEALING

OF

ORDINANCE

6-95

SOLID

WASTE

FEE: \$0.00

DOC #: 89087

STATE OF MONTANA MADISON COUNTY  
RECORDED: 10/29/2002 3:47 MA-FILED  
Peggy Katz CLERK AND RECORDER BY:  
FILE 101-C 4 PGS,